

**UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF MASSACHUSETTS
BOSTON DIVISION**

STUDENTS FOR FAIR ADMISSIONS, INC.,

Plaintiff,

v.

PRESIDENT AND FELLOWS OF HARVARD
COLLEGE (HARVARD CORPORATION),

Defendant.

Civil Action No. 1:14-cv-14176-ADB

DEFENDANT’S ASSENTED-TO MOTION TO FILE UNDER SEAL
REPLY MEMORANDUM AND SUPPORTING EXHIBIT
IN SUPPORT OF ITS MOTION TO DISMISS

Pursuant to Local Rule 7.2 and the Stipulated Protective Order (Dkt. 55), Defendant President and Fellows of Harvard College (“Harvard”) hereby moves this Court for an order sealing (1) Exhibit A to the Declaration of Felicia H. Ellsworth in Support of Harvard’s Reply Memorandum in Support of its Motion to Dismiss for Lack of Jurisdiction (“Ellsworth Declaration”); and (2) the Reply Memorandum in Support of Defendant’s Motion to Dismiss for Lack of Jurisdiction (“Reply”). Exhibit A to the Ellsworth Declaration contains excerpts from a document that Students for Fair Admissions, Inc. (“SFFA”) has designated as Confidential and Highly Confidential – Attorneys’ Eyes Only pursuant to the Stipulated Protective Order (Dkt. 55), in part because it discloses the identities of individuals on whose behalf SFFA asserts standing. The Reply also refers to information that SFFA has designated as Confidential and Highly Confidential – Attorneys’ Eyes Only. Pursuant to Local Rule 7.1(a)(2), SFFA was made aware of this motion and assents to it.

WHEREFORE, Harvard respectfully requests that the Court grant this motion and allow the Reply, and Exhibit A to the Ellsworth Declaration, to be filed under seal and to be viewed only by the Judge, her clerk(s), and Court personnel in conjunction with Harvard's Motion to Dismiss.

Respectfully submitted,

/s/ Felicia H. Ellsworth

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Dated: November 3, 2016

*Counsel for Defendant President and
Fellows of Harvard College*

CERTIFICATE OF CONFERENCE

In accordance with Local Rule 7.1(a)(2), I hereby certify that Students for Fair Admissions' counsel was made aware of this motion by phone before it was filed and assents to Harvard's request to file the Reply and Exhibit A to the Ellsworth Declaration under seal.

/s/ Felicia H. Ellsworth

Felicia H. Ellsworth

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the CM/ECF system will be sent electronically to all counsel of record via the CM/ECF system.

/s/ Felicia H. Ellsworth

Felicia H. Ellsworth